

By: Harris

S.B. No. 1805

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of child support obligations, including interstate enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 154.004, Family Code, is amended to read as follows:

Sec. 154.004. PLACE OF PAYMENT. (a) The court shall order the payment of child support to ~~[a local registry, the Title IV-D agency, or]~~ the state disbursement unit~~[,]~~ as provided by Chapter 234~~[, as added by Chapter 911, Acts of the 75th Legislature, Regular Session, 1997]~~.

(b) In a Title IV-D case, the court or the Title IV-D agency shall order that income withheld for child support be paid~~[+]~~

~~[(1) to the Title IV-D agency through a local registry, which shall forward the payment to the Title IV-D agency,~~

~~[(2) to the Title IV-D agency, or~~

~~[(3)]~~ to the state disbursement unit of this state or, if appropriate, to the state disbursement unit of another state.

(c) This section does not apply to a child support order that:

(1) was initially rendered by a court before January 1, 1994; and

(2) is not being enforced by the Title IV-D agency.

SECTION 2. Section 158.502, Family Code, is amended by

adding Subsection (d) to read as follows:

(d) The Title IV-D agency may issue an administrative writ of withholding to direct child support payments to the state disbursement unit of another state.

SECTION 3. Subchapter B, Chapter 159, Family Code, is amended to read as follows:

SUBCHAPTER B. GENERAL PROVISIONS

Sec. 159.101. SHORT TITLE. This chapter may be cited as the Uniform Interstate Family Support Act.

Sec. 159.102. DEFINITIONS. In this chapter:

(1) "Child" means an individual, whether over or under the age of majority, who:

(A) is or is alleged to be owed a duty of support by the individual's parent; or

(B) is or is alleged to be the beneficiary of a support order directed to the parent.

(2) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.

(3) "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

(4) "Home state" means the state in which a child lived with a parent or a person acting as parent for at least six consecutive months preceding the time of filing of a petition or a comparable pleading for support and, if a child is less than six months old, the state in which the child lived with a parent or a

1 person acting as parent from the time of birth. A period of  
2 temporary absence of any of them is counted as part of the six-month  
3 or other period.

4 (5) "Income" includes earnings or other periodic  
5 entitlements to money from any source and any other property  
6 subject to withholding for support under the law of this state.

7 (6) "Income-withholding order" means an order or other  
8 legal process directed to an obligor's employer, as provided in  
9 Chapter 158, to withhold support from the income of the obligor.

10 (7) "Initiating state" means a state from which a  
11 proceeding is forwarded or in which a proceeding is filed for  
12 forwarding to a responding state under this chapter or a law or  
13 procedure substantially similar to this chapter[~~, the Uniform~~  
14 ~~Reciprocal Enforcement of Support Act, or the Revised Uniform~~  
15 ~~Reciprocal Enforcement of Support Act]~~.

16 (8) "Initiating tribunal" means the authorized  
17 tribunal in an initiating state.

18 (9) "Issuing state" means the state in which a  
19 tribunal issues a support order or renders a judgment determining  
20 parentage.

21 (10) "Issuing tribunal" means the tribunal that issues  
22 a support order or renders a judgment determining parentage.

23 (11) "Law" includes decisional and statutory law and  
24 rules and regulations having the force of law.

25 (12) "Obligee" means:

26 (A) an individual to whom a duty of support is or  
27 is alleged to be owed or in whose favor a support order has been

1 issued or a judgment determining parentage has been rendered;

2 (B) a state or political subdivision to which the  
3 rights under a duty of support or support order have been assigned  
4 or that has independent claims based on financial assistance  
5 provided to an individual obligee; or

6 (C) an individual seeking a judgment determining  
7 parentage of the individual's child.

8 (13) "Obligor" means an individual or the estate of a  
9 decedent:

10 (A) who owes or is alleged to owe a duty of  
11 support;

12 (B) who is alleged but has not been adjudicated  
13 to be a parent of a child; or

14 (C) who is liable under a support order.

15 (14) "Person" means an individual, corporation,  
16 business trust, estate, trust, partnership, limited liability  
17 company, association, joint venture, government, governmental  
18 subdivision, agency, instrumentality, public corporation, or any  
19 other legal or commercial entity.

20 (15) "Record" means information that is:

21 (A) inscribed on a tangible medium or stored in  
22 an electronic or other medium; and

23 (B) retrievable in a perceivable form.

24 (16) "Register" means to file a support order or  
25 judgment determining parentage in the registry of foreign support  
26 orders.

27 (17) [~~(15)~~] "Registering tribunal" means a tribunal

1 in which a support order is registered.

2 (18) [~~(16)~~] "Responding state" means a state in which  
3 a proceeding is filed or to which a proceeding is forwarded for  
4 filing from an initiating state under this chapter or a law or  
5 procedure substantially similar to this chapter[, ~~the Uniform~~  
6 ~~Reciprocal Enforcement of Support Act, or the Revised Uniform~~  
7 ~~Reciprocal Enforcement of Support Act~~].

8 (19) [~~(17)~~] "Responding tribunal" means the  
9 authorized tribunal in a responding state.

10 (20) [~~(18)~~] "Spousal support order" means a support  
11 order for a spouse or former spouse of the obligor.

12 (21) [~~(19)~~] "State" means a state of the United  
13 States, the District of Columbia, Puerto Rico, the United States  
14 Virgin Islands, or any territory or insular possession subject to  
15 the jurisdiction of the United States. The term includes:

16 (A) an Indian tribe; and

17 (B) a foreign country or political subdivision  
18 [~~jurisdiction~~] that has:

19 (i) been declared to be a foreign  
20 reciprocating country or political subdivision under federal law;

21 (ii) established a reciprocal arrangement  
22 for child support with this state as provided by Section 159.308; or

23 (iii) enacted a law or established  
24 procedures for issuance and enforcement of support orders that are  
25 substantially similar to the procedures under this chapter[, ~~the~~  
26 ~~Uniform Reciprocal Enforcement of Support Act, or the Revised~~  
27 ~~Uniform Reciprocal Enforcement of Support Act~~].

1           (22) [~~(20)~~] "Support enforcement agency" means a  
2 public official or agency authorized to seek:

3                   (A) enforcement of support orders or laws  
4 relating to the duty of support;

5                   (B) establishment or modification of child  
6 support;

7                   (C) determination of parentage; [~~or~~]

8                   (D) the location of obligors or their assets; or

9                   (E) determination of the controlling child  
10 support order.

11           "Support enforcement agency" does not include a  
12 domestic relations office unless that office has entered into a  
13 cooperative agreement with the Title IV-D agency to perform duties  
14 under this chapter.

15           (23) [~~(21)~~] "Support order" means a judgment, decree,  
16 or order, whether temporary, final, or subject to modification, for  
17 the benefit of a child, a spouse, or a former spouse that provides  
18 for monetary support, health care, arrearages, or reimbursement and  
19 may include related costs and fees, interest, income withholding,  
20 attorney's fees, and other relief.

21           (24) [~~(22)~~] "Tribunal" means a court, administrative  
22 agency, or quasi-judicial entity authorized to establish, enforce,  
23 or modify support orders or to determine parentage.

24           Sec. 159.103. [~~159.102.~~] TRIBUNAL OF STATE. The court is  
25 the tribunal of this state.

26           Sec. 159.104. [~~159.103.~~] REMEDIES CUMULATIVE. (a) Remedies  
27 provided in this chapter are cumulative and do not affect the

1 availability of remedies under other law, including the recognition  
2 of a support order of a foreign country or political subdivision on  
3 the basis of comity.

4 (b) This chapter does not:

5 (1) provide the exclusive method of establishing or  
6 enforcing a support order under the law of this state; or

7 (2) grant a tribunal of this state jurisdiction to  
8 render a judgment or issue an order relating to child custody or  
9 visitation in a proceeding under this chapter.

10 SECTION 4. Section 159.201, Family Code, is amended to read  
11 as follows:

12 Sec. 159.201. BASES FOR JURISDICTION OVER NONRESIDENT.

13 (a) In a proceeding to establish or ~~or~~ ~~enforce~~ ~~or modify~~ a  
14 support order or to determine parentage, a tribunal of this state  
15 may exercise personal jurisdiction over a nonresident individual or  
16 the individual's guardian or conservator if:

17 (1) the individual is personally served with citation  
18 in this state;

19 (2) the individual submits to the jurisdiction of this  
20 state by consent, by entering a general appearance, or by filing a  
21 responsive document having the effect of waiving any contest to  
22 personal jurisdiction;

23 (3) the individual resided with the child in this  
24 state;

25 (4) the individual resided in this state and provided  
26 prenatal expenses or support for the child;

27 (5) the child resides in this state as a result of the

1 acts or directives of the individual;

2 (6) the individual engaged in sexual intercourse in  
3 this state and the child may have been conceived by that act of  
4 intercourse;

5 (7) the individual asserted parentage in the paternity  
6 registry maintained in this state by the bureau of vital  
7 statistics; or

8 (8) there is any other basis consistent with the  
9 constitutions of this state and the United States for the exercise  
10 of personal jurisdiction.

11 (b) A tribunal of this state may not use the bases of  
12 personal jurisdiction listed in Subsection (a) or in any other law  
13 of this state to acquire personal jurisdiction to modify a child  
14 support order of another state unless the requirements of Section  
15 159.611 or 159.615 are satisfied.

16 SECTION 5. Section 159.202, Family Code, is amended to read  
17 as follows:

18 Sec. 159.202. DURATION OF PERSONAL [~~PROCEDURE WHEN~~  
19 ~~EXERCISING~~] JURISDICTION [~~OVER NONRESIDENT~~]. Personal [~~A tribunal~~  
20 ~~of this state exercising personal~~] jurisdiction acquired by a  
21 tribunal of this state in a proceeding under this chapter or other  
22 law of this state relating to a support order continues as long as  
23 the [~~over a nonresident under Section 159.201 may apply Section~~  
24 ~~159.316 to receive evidence from another state and Section 159.318~~  
25 ~~to obtain discovery through a~~] tribunal has continuing, exclusive  
26 jurisdiction to modify its order or continuing jurisdiction to  
27 enforce its order under Sections 159.205, 159.206, and 159.211 [~~of~~



1 ~~another state]. [In all other respects, Subchapters D-H do not~~  
2 ~~apply and the tribunal shall apply the procedural and substantive~~  
3 ~~law of this state, including the rules on choice of law other than~~  
4 ~~those established by this chapter.]~~

5 SECTION 6. The heading to Section 159.204, Family Code, is  
6 amended to read as follows:

7 Sec. 159.204. SIMULTANEOUS PROCEEDINGS ~~[IN ANOTHER STATE]~~.

8 SECTION 7. The heading to Section 159.205, Family Code, is  
9 amended to read as follows:

10 Sec. 159.205. CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY  
11 CHILD SUPPORT ORDER.

12 SECTION 8. Subsections (a) through (d), Section 159.205,  
13 Family Code, are amended to read as follows:

14 (a) A tribunal of this state that has issued ~~[issuing]~~ a  
15 child support order consistent with the law of this state has and  
16 shall exercise continuing, exclusive jurisdiction to modify its  
17 [over a child support] order if the order is the controlling order  
18 and:

19 (1) at the time a request for modification is filed,  
20 [as long as] this state is [remains] the state of residence of the  
21 obligor, the individual obligee, or the child for whose benefit the  
22 support order is issued; or

23 (2) [until all of] the parties consent in a record or  
24 in open court that the [who are individuals have filed written  
25 consents with the] tribunal of this state may continue to exercise  
26 jurisdiction [for a tribunal of another state] to modify its [the]  
27 order [and assume continuing, exclusive jurisdiction].

1 (b) A tribunal of this state that has issued ~~[issuing]~~ a  
2 child support order consistent with the law of this state may not  
3 exercise ~~[its]~~ continuing, exclusive jurisdiction to modify the  
4 order if:

5 (1) each party who is an individual files a consent in  
6 a record with the tribunal of this state that a tribunal of another  
7 state that has jurisdiction over at least one of the parties who is  
8 an individual or that is located in the state of residence of the  
9 child may modify the order and assume continuing, exclusive  
10 jurisdiction; or

11 (2) the order is not the controlling order ~~[the order~~  
12 ~~has been modified by a tribunal of another state under a law~~  
13 ~~substantially similar to this chapter]~~.

14 (c) A tribunal of this state shall recognize the continuing,  
15 exclusive jurisdiction of a tribunal of another state if the ~~[If a~~  
16 ~~child support order of this state is modified by a]~~ tribunal of the  
17 other ~~[another]~~ state has issued a child support order that  
18 modifies a child support order of a tribunal of this state under a  
19 law substantially similar to this chapter~~[, a tribunal of this~~  
20 ~~state loses its continuing, exclusive jurisdiction with regard to~~  
21 ~~prospective enforcement of the order issued in this state and may~~  
22 ~~only:~~

23 ~~[(1) enforce the order that was modified as to amounts~~  
24 ~~accruing before the modification,~~

25 ~~[(2) enforce nonmodifiable aspects of that order, and~~

26 ~~[(3) provide other appropriate relief for violations~~  
27 ~~of that order that occurred before the effective date of the~~

1 ~~modification]~~.

2 (d) A tribunal of this state that does not have ~~[shall~~  
3 ~~recognize the]~~ continuing, exclusive jurisdiction to modify a child  
4 support order may serve as an initiating tribunal to request ~~[of]~~ a  
5 tribunal of another state to modify a ~~[that issued a child]~~ support  
6 order issued in that state ~~[under a law substantially similar to~~  
7 ~~this chapter]~~.

8 SECTION 9. Section 159.206, Family Code, is amended to read  
9 as follows:

10 Sec. 159.206. ~~[ENFORCEMENT AND MODIFICATION OF SUPPORT~~  
11 ~~ORDER BY TRIBUNAL HAVING]~~ CONTINUING JURISDICTION TO ENFORCE CHILD  
12 SUPPORT ORDER. (a) A tribunal of this state that has issued a  
13 child support order consistent with the law of this state may serve  
14 as an initiating tribunal to request a tribunal of another state to  
15 enforce:

16 (1) the order, if the order:

17 (A) is the controlling order; and

18 (B) has not been modified by a tribunal of  
19 another state that assumed jurisdiction under the Uniform  
20 Interstate Family Support Act; or

21 (2) a money judgment for support arrearages and  
22 interest on the order accrued before a determination that an order  
23 of another state is the controlling order ~~[or modify a support order~~  
24 ~~issued in that state]~~.

25 (b) A tribunal of this state having continuing~~[, exclusive]~~  
26 jurisdiction over a support order may act as a responding tribunal  
27 to enforce ~~[or modify]~~ the order. ~~[If a party subject to the~~

1 ~~tribunal's continuing, exclusive jurisdiction no longer resides in~~  
2 ~~the issuing state, in subsequent proceedings the tribunal may apply~~  
3 ~~Section 159.316 to receive evidence from another state and Section~~  
4 ~~159.318 to obtain discovery through a tribunal of another state.~~

5 ~~[(c) A tribunal of this state that lacks continuing,~~  
6 ~~exclusive jurisdiction over a spousal support order may not serve~~  
7 ~~as a responding tribunal to modify a spousal support order of~~  
8 ~~another state.]~~

9 SECTION 10. The heading to Section 159.207, Family Code, is  
10 amended to read as follows:

11 Sec. 159.207. DETERMINATION ~~[RECOGNITION]~~ OF CONTROLLING  
12 CHILD SUPPORT ORDER.

13 SECTION 11. Section 159.207, Family Code, is amended by  
14 amending Subsections (b) through (f) and adding Subsections (g) and  
15 (h) to read as follows:

16 (b) If a proceeding is brought under this chapter and two or  
17 more child support orders have been issued by tribunals of this  
18 state or another state with regard to the same obligor and same  
19 child, a tribunal of this state having personal jurisdiction over  
20 both the obligor and individual obligee shall apply the following  
21 rules to determine by order ~~[in determining]~~ which order controls  
22 ~~[to recognize for purposes of continuing, exclusive jurisdiction]:~~

23 (1) if only one of the tribunals would have  
24 continuing, exclusive jurisdiction under this chapter, the order of  
25 that tribunal controls and must be so recognized;

26 (2) if more than one of the tribunals would have  
27 continuing, exclusive jurisdiction under this chapter:

1           (A) ~~[7]~~ an order issued by a tribunal in the  
2 current home state of the child controls if an order is issued in  
3 the current home state of the child; or

4           (B) the order most recently issued controls ~~[and~~  
5 ~~must be so recognized, but]~~ if an order has not been issued in the  
6 current home state of the child~~[, the order most recently issued~~  
7 ~~controls and must be so recognized]~~; and

8           (3) if none of the tribunals would have continuing,  
9 exclusive jurisdiction under this chapter, the tribunal of this  
10 state ~~[having jurisdiction over the parties]~~ shall issue a child  
11 support order that controls ~~[and must be so recognized]~~.

12           (c) If two or more child support orders have been issued for  
13 the same obligor and same child ~~[and if the obligor or the~~  
14 ~~individual obligee resides in this state]~~, on request of a party who  
15 is an individual or a support enforcement agency, ~~[may request]~~ a  
16 tribunal of this state having personal jurisdiction over both the  
17 obligor and the obligee who is an individual shall ~~[to]~~ determine  
18 which order controls ~~[and must be so recognized]~~ under Subsection  
19 (b). The request may be filed:

20                 (1) with a registration for enforcement or  
21 registration for modification under Subchapter G; or

22                 (2) as a separate proceeding ~~[must be accompanied by a~~  
23 ~~certified copy of every support order in effect. The requesting~~  
24 ~~party shall give notice of the request to each party whose rights~~  
25 ~~may be affected by the determination]~~.

26           (d) A request to determine the controlling order must be  
27 accompanied by a copy of each child support order in effect and the

applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

(e) The tribunal that issued the controlling order under Subsection (a), (b), or (c) ~~[is the tribunal that]~~ has continuing~~[exclusive]~~ jurisdiction to the extent provided under Section 159.205 or 159.206.

(f) ~~[(e)]~~ A tribunal of this state that determines by order which order is ~~[the identity of]~~ the controlling order under Subsection (b)(1) or (2) or Subsection (c) or that issues a new controlling order under Subsection (b)(3) shall state in that order:

(1) the basis upon which the tribunal made its determination;

(2) the amount of prospective child support, if any;  
and

(3) the total amount of consolidated arrearages and accrued interest, if any, under the orders after all payments are credited under Section 159.209.

(g) ~~[(f)]~~ Within 30 days after issuance of an order determining which order is ~~[the identity of]~~ the controlling order, the party obtaining the order shall file a certified copy of the controlling order in ~~[it with]~~ each tribunal that issued or registered an earlier order of child support. A party or support enforcement agency that ~~[who]~~ obtains the order and fails to file a certified copy of the order is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure

to file does not affect the validity or enforceability of the controlling order.

(h) An order that has been determined to be the controlling order, or a judgment for consolidated support arrearages and interest issued under this section, must be recognized in a proceeding under this chapter.

SECTION 12. Subchapter C, Chapter 159, Family Code, is amended by amending Sections 159.208 and 159.209 and adding Sections 159.210 and 159.211 to read as follows:

Sec. 159.208. ~~[MULTIPLE]~~ CHILD SUPPORT ORDERS FOR TWO OR MORE OBLIGEES. In responding to ~~[multiple]~~ registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of this state shall enforce those orders in the same manner as if the ~~[multiple]~~ orders had been issued by a tribunal of this state.

Sec. 159.209. CREDIT FOR PAYMENTS. A tribunal of this state shall credit amounts ~~[Amounts]~~ collected ~~[and credited]~~ for a particular period under a support order ~~[issued by a tribunal of another state must be credited]~~ against the amounts owed ~~[accruing or accrued]~~ for the same period under any other child ~~[a]~~ support order for support of the same child issued by a ~~[the]~~ tribunal of this or another state.

Sec. 159.210. APPLICABILITY TO NONRESIDENT SUBJECT TO PERSONAL JURISDICTION. (a) Except as provided by Subsection (b), Subchapters D-H do not apply to a tribunal of this state exercising

1 personal jurisdiction over a nonresident in a proceeding under this  
2 chapter or under other law of this state relating to a support order  
3 or recognizing a support order of a foreign country or political  
4 subdivision on the basis of comity. The tribunal shall apply the  
5 procedural and substantive law of this state in a proceeding  
6 described by this subsection.

7 (b) Notwithstanding Subsection (a), a tribunal of this  
8 state exercising personal jurisdiction over a nonresident in a  
9 proceeding under this chapter or under other law of this state  
10 relating to a support order or recognizing a support order of a  
11 foreign country or political subdivision on the basis of comity  
12 may:

13 (1) receive evidence from another state as provided by  
14 Section 159.316;

15 (2) communicate with a tribunal of another state as  
16 provided by Section 159.317; and

17 (3) obtain discovery through a tribunal of another  
18 state as provided by Section 159.318.

19 Sec. 159.211. CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY  
20 SPOUSAL SUPPORT ORDER. (a) A tribunal of this state issuing a  
21 spousal support order consistent with the law of this state has  
22 continuing, exclusive jurisdiction to modify the spousal support  
23 order throughout the existence of the support obligation.

24 (b) A tribunal of this state may not modify a spousal  
25 support order issued by a tribunal of another state having  
26 continuing, exclusive jurisdiction over that order under the law of  
27 that state.



1        (c) A tribunal of this state that has continuing, exclusive  
2 jurisdiction over a spousal support order may serve as:

3            (1) an initiating tribunal to request a tribunal of  
4 another state to enforce the spousal support order issued in this  
5 state; or

6            (2) a responding tribunal to enforce or modify its own  
7 spousal support order.

8        SECTION 13. Subsection (c), Section 159.301, Family Code,  
9 is amended to read as follows:

10        (c) An individual or a support enforcement agency may  
11 initiate ~~[commence]~~ a proceeding authorized under this chapter by  
12 filing a petition in an initiating tribunal for forwarding to a  
13 responding tribunal or by filing a petition or a comparable  
14 pleading directly in a tribunal of another state that has or that  
15 can obtain personal jurisdiction over the respondent.

16        SECTION 14. The heading to Section 159.302, Family Code, is  
17 amended to read as follows:

18        Sec. 159.302. PROCEEDING ~~[ACTION]~~ BY MINOR PARENT.

19        SECTION 15. Sections 159.303 and 159.304, Family Code, are  
20 amended to read as follows:

21        Sec. 159.303. APPLICATION OF LAW OF STATE. Except as  
22 otherwise provided in this chapter, a responding tribunal of this  
23 state shall:

24            (1) apply the procedural and substantive law~~[~~  
25 ~~including the rules on choice of law,~~~~]~~ generally applicable to  
26 similar proceedings originating in this state and may exercise all  
27 powers and provide all remedies available in those proceedings; and

1           (2) determine the duty of support and the amount  
2 payable in accordance with the law and support guidelines of this  
3 state.

4           Sec. 159.304. DUTIES OF INITIATING TRIBUNAL. (a) On the  
5 filing of a petition authorized by this chapter, an initiating  
6 tribunal of this state shall forward ~~[three copies of]~~ the petition  
7 and its accompanying documents:

8           (1) to the responding tribunal or appropriate support  
9 enforcement agency in the responding state; or

10          (2) if the identity of the responding tribunal is  
11 unknown, to the state information agency of the responding state  
12 with a request that they be forwarded to the appropriate tribunal  
13 and that receipt be acknowledged.

14          (b) If requested by the responding tribunal, a ~~[responding~~  
15 ~~state has not enacted the Uniform Interstate Family Support Act or a~~  
16 ~~law or procedure substantially similar to that Act, a]~~ tribunal of  
17 this state shall ~~[may]~~ issue a certificate or other document and  
18 make findings required by the law of the responding state. If the  
19 responding state is a foreign country or political subdivision  
20 ~~[jurisdiction]~~, the tribunal shall ~~[may]~~ specify the amount of  
21 support sought, convert that amount into the equivalent amount in  
22 the foreign currency under the applicable official or market  
23 exchange rate as publicly reported, and provide any other documents  
24 necessary to satisfy the requirements of the responding state.

25          SECTION 16. Section 159.305, Family Code, is amended by  
26 amending Subsection (b) and adding Subsection (f) to read as  
27 follows:

1           (b) Except as prohibited by other law, a [A] responding  
2 tribunal of this state[, ~~to the extent otherwise authorized by~~  
3 ~~law,~~] may do one or more of the following:

4           (1) issue or enforce a support order, modify a child  
5 support order, determine the controlling child support order, or  
6 [~~render a judgment to~~] determine parentage;

7           (2) order an obligor to comply with a support order and  
8 specify the amount and the manner of compliance;

9           (3) order income withholding;

10          (4) determine the amount of any arrearages and specify  
11 a method of payment;

12          (5) enforce orders by civil or criminal contempt, or  
13 both;

14          (6) set aside property for satisfaction of the support  
15 order;

16          (7) place liens and order execution on the obligor's  
17 property;

18          (8) order an obligor to keep the tribunal informed of  
19 the obligor's current residential address, telephone number,  
20 employer, address of employment, and telephone number at the place  
21 of employment;

22          (9) issue a bench warrant or capias for an obligor who  
23 has failed after proper notice to appear at a hearing ordered by the  
24 tribunal and enter the bench warrant or capias in any local and  
25 state computer systems for criminal warrants;

26          (10) order the obligor to seek appropriate employment  
27 by specified methods;

1           (11) award reasonable attorney's fees and other fees  
2 and costs; and

3           (12) grant any other available remedy.

4           (f) If requested to enforce a support order, arrearages, or  
5 a judgment or to modify a support order stated in a foreign  
6 currency, a responding tribunal of this state shall convert the  
7 amount stated in the foreign currency to the equivalent amount in  
8 dollars under the applicable official or market exchange rate as  
9 publicly reported.

10          SECTION 17. Section 159.307, Family Code, is amended by  
11 amending Subsections (b) and (c) and adding Subsections (d), (e),  
12 and (f) to read as follows:

13          (b) A support enforcement agency of this state that provides  
14 services to the petitioner [~~as appropriate~~] shall:

15           (1) take all steps necessary to enable an appropriate  
16 tribunal in this state or another state to obtain jurisdiction over  
17 the respondent;

18           (2) request an appropriate tribunal to set a date,  
19 time, and place for a hearing;

20           (3) make a reasonable effort to obtain all relevant  
21 information, including information as to income and property of the  
22 parties;

23           (4) not later than the second day, excluding  
24 Saturdays, Sundays, and legal holidays, after the date of receipt  
25 of a written notice in a record from an initiating, responding, or  
26 registering tribunal, send a copy of the notice to the petitioner;

27           (5) not later than the second day, excluding

1 Saturdays, Sundays, and legal holidays, after the date of receipt  
2 of a written communication in a record from the respondent or the  
3 respondent's attorney, send a copy of the communication to the  
4 petitioner; and

5 (6) notify the petitioner if jurisdiction over the  
6 respondent cannot be obtained.

7 (c) A support enforcement agency of this state that requests  
8 registration of a child support order in this state for enforcement  
9 or for modification shall make reasonable efforts to ensure that:

10 (1) the order to be registered is the controlling  
11 order; or

12 (2) a request for a determination of which order is the  
13 controlling order is made in a tribunal having jurisdiction to make  
14 the determination, if two or more child support orders have been  
15 issued and a determination of the controlling order has not been  
16 made.

17 (d) A support enforcement agency of this state that requests  
18 registration and enforcement of a support order, arrearages, or a  
19 judgment stated in a foreign currency shall convert the amount  
20 stated in the foreign currency to the equivalent amount in dollars  
21 under the applicable official or market exchange rate as publicly  
22 reported.

23 (e) A support enforcement agency of this state shall issue,  
24 or request a tribunal of this state to issue, a child support order  
25 and an income-withholding order that redirects payment of current  
26 support, arrearages, and interest if requested to do so by a support  
27 enforcement agency of another state under Section 159.319.

1        (f) This chapter does not create or negate a relationship of  
2 attorney and client or other fiduciary relationship between a  
3 support enforcement agency or the attorney for the agency and the  
4 individual being assisted by the agency.

5        SECTION 18. Section 159.308, Family Code, is amended to  
6 read as follows:

7        Sec. 159.308. DUTY OF CERTAIN STATE OFFICIALS [~~ATTORNEY~~  
8 ~~GENERAL~~]. (a) If the attorney general determines that the support  
9 enforcement agency is neglecting or refusing to provide services to  
10 an individual, the attorney general may order the agency to perform  
11 its duties under this chapter or may provide those services  
12 directly to the individual.

13        (b) The governor may determine that a foreign country or  
14 political subdivision has established a reciprocal arrangement for  
15 child support with this state and take appropriate action for  
16 notification of the determination.

17        SECTION 19. Subsection (b), Section 159.310, Family Code,  
18 is amended to read as follows:

19        (b) The state information agency shall:

20                (1) compile and maintain a current list, including  
21 addresses, of the tribunals in this state that have jurisdiction  
22 under this chapter and any support enforcement agencies in this  
23 state and send a copy to the state information agency of every other  
24 state;

25                (2) maintain a register of names and addresses of  
26 tribunals and support enforcement agencies received from other  
27 states;

1           (3) forward to the appropriate tribunal in the county  
2 ~~[place]~~ in this state where the ~~[individual]~~ obligee who is an  
3 individual or the obligor resides, or where the obligor's property  
4 is believed to be located, all documents concerning a proceeding  
5 under this chapter received from an initiating tribunal or the  
6 state information agency of the initiating state; and

7           (4) obtain information concerning the location of the  
8 obligor and the obligor's property in this state not exempt from  
9 execution, by such means as postal verification and federal or  
10 state locator services, examination of telephone directories,  
11 requests for the obligor's address from employers, and examination  
12 of governmental records, including, to the extent not prohibited by  
13 other law, those relating to real property, vital statistics, law  
14 enforcement, taxation, motor vehicles, driver's licenses, and  
15 social security.

16           SECTION 20. Subsection (a), Section 159.311, Family Code,  
17 is amended to read as follows:

18           (a) In a proceeding under this chapter, a ~~[A]~~ petitioner  
19 seeking to establish ~~[or modify]~~ a support order, ~~[or]~~ to determine  
20 parentage, or to register and modify a support order of another  
21 state ~~[in a proceeding under this chapter]~~ must file a ~~[verify the]~~  
22 petition. Unless otherwise ordered under Section 159.312, the  
23 petition or accompanying documents must provide, so far as known,  
24 the name, residential address, and social security numbers of the  
25 obligor and the obligee or the parent and alleged parent and the  
26 name, sex, residential address, social security number, and date of  
27 birth of each child for whose benefit ~~[whom]~~ support is sought or

1 whose parentage is to be determined. Unless filed at the time of  
 2 registration, the ~~[The]~~ petition must be accompanied by a  
 3 ~~[certified]~~ copy of any support order known to have been issued by  
 4 another tribunal ~~[in effect]~~. The petition may include any other  
 5 information that may assist in locating or identifying the  
 6 respondent.

7 SECTION 21. Section 159.312, Family Code, is amended to  
 8 read as follows:

9 Sec. 159.312. NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL  
 10 CIRCUMSTANCES. If a party alleges in an affidavit or pleading under  
 11 oath ~~[On a finding, which may be made ex parte,]~~ that the health,  
 12 safety, or liberty of a party or child would be jeopardized  
 13 ~~[unreasonably put at risk]~~ by ~~[the]~~ disclosure of specific  
 14 identifying information regarding the party or the child, the  
 15 identifying information shall be sealed and may not be disclosed to  
 16 the other party or to the public. After a hearing in which a  
 17 tribunal considers the health, safety, or liberty of the party or  
 18 the child, the ~~[or if an existing order so provides, a]~~ tribunal may  
 19 ~~[shall]~~ order disclosure of ~~[that the address of the child or party~~  
 20 ~~or other identifying]~~ information if the tribunal determines that  
 21 the disclosure serves the interests of justice ~~[not be disclosed in~~  
 22 ~~a pleading or other document filed in a proceeding under this~~  
 23 ~~chapter]~~.

24 SECTION 22. Subsection (a), Section 159.314, Family Code,  
 25 is amended to read as follows:

26 (a) Participation by a petitioner in a proceeding under this  
 27 chapter before a responding tribunal, whether in person, by private



attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

SECTION 23. Subsections (a), (b), (e), and (f), Section 159.316, Family Code, are amended to read as follows:

(a) The physical presence of a nonresident party who is an individual ~~[the petitioner]~~ in a ~~[responding]~~ tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

(b) An ~~[A verified petition,]~~ affidavit, a document substantially complying with federally mandated forms, or ~~[and]~~ a document incorporated by reference in an affidavit or document, that would ~~[the petition, affidavit, or document,]~~ not be ~~[excluded]~~ under the hearsay rule if given in person, is ~~[are]~~ admissible in evidence if given under penalty of perjury ~~[oath]~~ by a party or witness residing in another state.

(e) Documentary evidence transmitted ~~[sent]~~ from another state to a tribunal of this state by telephone, telecopier, or another means that does not provide an original record ~~[writing]~~ may not be excluded from evidence on an objection based on the means of transmission.

(f) In a proceeding under this chapter, a tribunal of this state shall ~~[may]~~ permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of this state shall cooperate

1 with a tribunal of another state in designating an appropriate  
2 location for the deposition or testimony.

3 SECTION 24. Section 159.317, Family Code, is amended to  
4 read as follows:

5 Sec. 159.317. COMMUNICATIONS BETWEEN TRIBUNALS. A tribunal  
6 of this state may communicate with a tribunal of another state or of  
7 a foreign country or political subdivision in a record ~~[writing]~~,  
8 by telephone, or by other ~~[another]~~ means, to obtain information  
9 concerning the laws ~~[of that state]~~, the legal effect of a judgment,  
10 decree, or order of that tribunal, and the status of a proceeding in  
11 the other state, foreign country, or political subdivision. A  
12 tribunal of this state may furnish similar information by similar  
13 means to a tribunal of another state or of a foreign country or  
14 political subdivision.

15 SECTION 25. Section 159.319, Family Code, is amended to  
16 read as follows:

17 Sec. 159.319. RECEIPT AND DISBURSEMENT OF PAYMENTS. (a) A  
18 support enforcement agency or tribunal of this state shall disburse  
19 promptly any amounts received under a support order, as directed by  
20 the order. The agency or tribunal shall furnish to a requesting  
21 party or tribunal of another state a certified statement by the  
22 custodian of the record of the amounts and dates of all payments  
23 received.

24 (b) If the obligor, the obligee who is an individual, and  
25 the child do not reside in this state, on request from the support  
26 enforcement agency of this state or another state, the support  
27 enforcement agency of this state or a tribunal of this state shall:

1           (1) direct that the support payment be made to the  
2 support enforcement agency in the state in which the obligee is  
3 receiving services; and

4           (2) issue and send to the obligor's employer a  
5 conforming income-withholding order or an administrative notice of  
6 change of payee reflecting the redirected payments.

7           (c) The support enforcement agency of this state on  
8 receiving redirected payments from another state under a law  
9 similar to Subsection (b) shall provide to a requesting party or a  
10 tribunal of the other state a certified statement by the custodian  
11 of the record of the amount and dates of all payments received.

12           SECTION 26. Subsection (b), Section 159.401, Family Code,  
13 is amended to read as follows:

14           (b) The tribunal may issue a temporary child support order  
15 if the tribunal determines that the order is appropriate and the  
16 individual ordered to pay is:

17           (1) a presumed father of the child ~~[the respondent has~~  
18 ~~signed a verified statement acknowledging parentage];~~

19           (2) a man petitioning to have his paternity  
20 adjudicated ~~[the respondent has been determined by or under law to~~  
21 ~~be the parent]; [or]~~

22           (3) a man identified as the father of the child through  
23 genetic testing;

24           (4) an alleged father who has declined to submit to  
25 genetic testing;

26           (5) a man shown by clear and convincing evidence to be  
27 the father of the child;

1           (6) an acknowledged father as provided by applicable  
2 state law;

3           (7) the mother of the child; or

4           (8) an individual who has been ordered to pay child  
5 support in a previous proceeding and the order has not been reversed  
6 or vacated [~~there is other clear and convincing evidence that the~~  
7 ~~respondent is the child's parent~~].

8           SECTION 27. Section 159.501, Family Code, is amended to  
9 read as follows:

10           Sec. 159.501. EMPLOYER'S RECEIPT OF INCOME-WITHHOLDING  
11 ORDER OF ANOTHER STATE. An income-withholding order issued in  
12 another state may be sent by or on behalf of the obligee or by the  
13 support enforcement agency to the person defined as [~~to~~] the  
14 obligor's employer under Chapter 158 without first filing a  
15 petition or comparable pleading or registering the order with a  
16 tribunal of this state.

17           SECTION 28. Subsection (c), Section 159.502, Family Code,  
18 is amended to read as follows:

19           (c) Except as otherwise provided in Subsection (d) and  
20 Section 159.503, the employer shall withhold and distribute the  
21 funds as directed in the withholding order by complying with terms  
22 of the order that specify:

23           (1) the duration and amount of periodic payments of  
24 current child support, stated as a sum certain;

25           (2) the person [~~or agency~~] designated to receive  
26 payments and the address to which the payments are to be forwarded;

27           (3) medical support, whether in the form of periodic

1 cash payments, stated as a sum certain, or ordering the obligor to  
2 provide health insurance coverage for the child under a policy  
3 available through the obligor's employment;

4 (4) the amount of periodic payments of fees and costs  
5 for a support enforcement agency, the issuing tribunal, and the  
6 obligee's attorney, stated as sums certain; and

7 (5) the amount of periodic payments of arrearages and  
8 interest on arrearages, stated as sums certain.

9 SECTION 29. Section 159.503, Family Code, is amended to  
10 read as follows:

11 Sec. 159.503. EMPLOYER'S COMPLIANCE WITH TWO OR MORE  
12 ~~[MULTIPLE]~~ INCOME-WITHHOLDING ORDERS. If an obligor's employer  
13 receives two or more ~~[multiple]~~ income-withholding orders with  
14 respect to the earnings of the same obligor, the employer satisfies  
15 the terms of the ~~[multiple]~~ orders if the employer complies with the  
16 law of the state of the obligor's principal place of employment to  
17 establish the priorities for withholding and allocating income  
18 withheld for two or more ~~[multiple]~~ child support obligees.

19 SECTION 30. Section 159.506, Family Code, is amended to  
20 read as follows:

21 Sec. 159.506. CONTEST BY OBLIGOR. (a) An obligor may  
22 contest the validity or enforcement of an income-withholding order  
23 issued in another state and received directly by an employer in this  
24 state by registering the order in a tribunal of this state and:

25 (1) filing a contest to that order under Subchapter G;  
26 or

27 (2) contesting the order in the same manner as if the

1 order had been issued by a tribunal of this state. [~~Section 159.604~~  
2 ~~applies to the contest.~~]

3 (b) The obligor shall give notice of the contest to:

4 (1) a support enforcement agency providing services to  
5 the obligee;

6 (2) each employer that has directly received an  
7 income-withholding order relating to the obligor; and

8 (3) the person [~~or agency~~] designated to receive  
9 payments in the income-withholding order or to the obligee, if no  
10 person [~~or agency~~] is designated.

11 SECTION 31. Subsection (a), Section 159.507, Family Code,  
12 is amended to read as follows:

13 (a) A party or support enforcement agency seeking to enforce  
14 a support order or an income-withholding order, or both, issued by a  
15 tribunal of another state may send the documents required for  
16 registering the order to a support enforcement agency of this  
17 state.

18 SECTION 32. The heading to Subchapter G, Chapter 159,  
19 Family Code, is amended to read as follows:

20 SUBCHAPTER G. REGISTRATION, ENFORCEMENT, AND MODIFICATION OF  
21 SUPPORT ORDER [~~AFTER REGISTRATION~~]

22 SECTION 33. Section 159.602, Family Code, is amended by  
23 amending Subsection (a) and adding Subsections (d) and (e) to read  
24 as follows:

25 (a) A support order or income-withholding order of another  
26 state may be registered in this state by sending to the appropriate  
27 tribunal in this state:

1           (1) a letter of transmittal to the tribunal requesting  
2 registration and enforcement;

3           (2) two copies, including one certified copy, of the  
4 order [~~all orders~~] to be registered, including any modification of  
5 the [~~an~~] order;

6           (3) a sworn statement by the person requesting [~~party~~  
7 ~~seeking~~] registration or a certified statement by the custodian of  
8 the records showing the amount of any arrearage;

9           (4) the name of the obligor and, if known:

10                 (A) the obligor's address and social security  
11 number;

12                 (B) the name and address of the obligor's  
13 employer and any other source of income of the obligor; and

14                 (C) a description of and the location of property  
15 of the obligor in this state not exempt from execution; and

16           (5) except as otherwise provided by Section 159.312,  
17 the name of the obligee and, if applicable, the [~~agency or~~] person  
18 to whom support payments are to be remitted.

19           (d) If two or more orders are in effect, the person  
20 requesting registration shall:

21                 (1) provide to the tribunal a copy of each support  
22 order and the documents specified in this section;

23                 (2) identify the order alleged to be the controlling  
24 order, if any; and

25                 (3) state the amount of consolidated arrearages, if  
26 any.

27           (e) A request for a determination of which order is the

1 controlling order may be filed separately from or with a request for  
2 registration and enforcement or for registration and modification.  
3 The person requesting registration shall give notice of the request  
4 to each party whose rights may be affected by the determination.

5 SECTION 34. Section 159.604, Family Code, is amended to  
6 read as follows:

7 Sec. 159.604. CHOICE OF LAW. (a) Except as provided by  
8 Subsection (d), the [The] law of the issuing state governs:

9 (1) the nature, extent, amount, and duration of  
10 current payments under a registered support order;

11 (2) [and other obligations of support and] the  
12 computation and payment of arrearages and accrual of interest on  
13 the arrearages under the support order; and

14 (3) the existence and satisfaction of other  
15 obligations under the support order.

16 (b) In a proceeding for arrearages under a registered  
17 support order, the statute of limitation [~~under the laws~~] of this  
18 state or of the issuing state, whichever [~~statute of limitation~~] is  
19 longer, applies.

20 (c) A responding tribunal in this state shall apply the  
21 procedures and remedies of this state to enforce current support  
22 and collect arrearages and interest due on a support order of  
23 another state registered in this state.

24 (d) After a tribunal of this or another state determines  
25 which order is the controlling order and issues an order  
26 consolidating arrearages, if any, the tribunal of this state shall  
27 prospectively apply the law of the state issuing the controlling



1 order, including that state's law on interest on arrearages,  
2 current and future support, and consolidated arrearages.

3 SECTION 35. Section 159.605, Family Code, is amended by  
4 amending Subsections (b) and (c) and adding Subsection (d) to read  
5 as follows:

6 (b) A ~~The~~ notice under this section must inform the  
7 nonregistering party:

8 (1) that a registered order is enforceable as of the  
9 date of registration in the same manner as an order issued by a  
10 tribunal of this state;

11 (2) that a hearing to contest the validity or  
12 enforcement of the registered order must be requested within 20  
13 days after notice;

14 (3) that failure to contest the validity or  
15 enforcement of the registered order in a timely manner:

16 (A) will result in confirmation of the order and  
17 enforcement of the order and the alleged arrearages; and

18 (B) precludes further contest of that order with  
19 respect to any matter that could have been asserted; and

20 (4) of the amount of any alleged arrearages.

21 (c) If the registering party asserts that two or more orders  
22 are in effect, the notice under this section must also:

23 (1) identify:

24 (A) the orders, including which order is alleged  
25 by the registering person to be the controlling order; and

26 (B) the consolidated arrearages, if any;

27 (2) notify the nonregistering party of the right to a

1 determination of which order is the controlling order;

2 (3) state that the procedures provided in Subsection  
3 (b) apply to the determination of which order is the controlling  
4 order; and

5 (4) state that failure to contest the validity or  
6 enforcement of the order alleged to be the controlling order in a  
7 timely manner may result in confirmation that the order is the  
8 controlling order.

9 (d) On registration of an income-withholding order for  
10 enforcement, the registering tribunal shall notify the obligor's  
11 employer under Chapter 158.

12 SECTION 36. Subsection (a), Section 159.607, Family Code,  
13 is amended to read as follows:

14 (a) A party contesting the validity or enforcement of a  
15 registered order or seeking to vacate the registration has the  
16 burden of proving one or more of the following defenses:

17 (1) the issuing tribunal lacked personal jurisdiction  
18 over the contesting party;

19 (2) the order was obtained by fraud;

20 (3) the order has been vacated, suspended, or modified  
21 by a later order;

22 (4) the issuing tribunal has stayed the order pending  
23 appeal;

24 (5) there is a defense under the law of this state to  
25 the remedy sought;

26 (6) full or partial payment has been made; ~~[or]~~

27 (7) the statute of limitation under Section 159.604

precludes enforcement of some or all of the alleged arrearages; or  
(8) the alleged controlling order is not the  
controlling order.

SECTION 37. Section 159.610, Family Code, is amended to  
read as follows:

Sec. 159.610. EFFECT OF REGISTRATION FOR MODIFICATION. A  
tribunal of this state may enforce a child support order of another  
state registered for purposes of modification in the same manner as  
if the order had been issued by a tribunal of this state, but the  
registered order may be modified only if the requirements of  
Section 159.611, 159.613, or 159.615 have been met.

SECTION 38. Section 159.611, Family Code, is amended by  
amending Subsections (a), (c), and (d) and adding Subsection (e) to  
read as follows:

(a) Except as provided by Section 159.615, on petition a  
tribunal of this state may modify ~~[After]~~ a child support order  
issued in another state and ~~[has been]~~ registered in this state~~;~~  
~~the responding tribunal of this state may modify the order]~~ only if  
Section 159.613 does not apply and after notice and hearing the  
tribunal finds that:

(1) the following requirements are met:

(A) the child, the ~~[individual]~~ obligee who is an  
individual, and the obligor do not reside in the issuing state;

(B) a petitioner who is a nonresident of this  
state seeks modification; and

(C) the respondent is subject to the personal  
jurisdiction of the tribunal of this state; or

(2) this state is the state of residence of the child and the child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal of this state and all of the parties who are individuals have filed in a record in the issuing tribunal ~~[written]~~ consents for a tribunal of this state to modify the support order and assume continuing, exclusive jurisdiction ~~[over the order, however, for the purposes of this subdivision, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under this chapter, the consent otherwise required of an individual residing in this state is not required for the tribunal to assume jurisdiction to modify the child support order].~~

(c) Except as provided by Section 159.615, a [A] tribunal of this state may not modify any aspect of a child support order, including the duration of the obligation of support, that may not be modified under the law of the issuing state. If two or more tribunals have issued child support orders for the same obligor and same child, the order that controls and must be ~~[so]~~ recognized under Section 159.207 establishes the aspects of the support order that are nonmodifiable.

(d) On issuance of an order by a tribunal of this state modifying a child support order issued in another state, the ~~[a]~~ tribunal of this state becomes the tribunal of continuing, exclusive jurisdiction.

(e) In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of

1 support. The obligor's fulfillment of the duty of support  
2 established by that order precludes imposition of a further  
3 obligation of support by a tribunal of this state.

4 SECTION 39. Section 159.612, Family Code, is amended to  
5 read as follows:

6 Sec. 159.612. RECOGNITION OF ORDER MODIFIED IN ANOTHER  
7 STATE. If a child support order issued by a [A] tribunal of this  
8 state is modified [~~shall recognize a modification of its earlier~~  
9 ~~child support order~~] by a tribunal of another state that assumed  
10 jurisdiction under the Uniform Interstate Family Support Act, a  
11 tribunal of this state [~~under a law substantially similar to this~~  
12 ~~chapter and, except as otherwise provided in this chapter, shall on~~  
13 ~~request~~]:

14 (1) may enforce the order that was modified only as to  
15 arrearages and interest [~~amounts~~] accruing before the  
16 modification;

17 (2) may [~~enforce only nonmodifiable aspects of the~~  
18 ~~order,~~

19 [~~(3)~~] provide [~~other~~] appropriate relief [~~only~~] for  
20 violations [~~a violation~~] of the order that occurred before the  
21 effective date of the modification; and

22 (3) shall [~~(4)~~] recognize the modifying order of the  
23 other state, on registration, for the purpose of enforcement.

24 SECTION 40. Subchapter G, Chapter 159, Family Code, is  
25 amended by adding Section 159.615 to read as follows:

26 Sec. 159.615. JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF  
27 FOREIGN COUNTRY OR POLITICAL SUBDIVISION. (a) If a foreign

1 country or political subdivision that is a state refuses to modify  
2 its order or may not under its law modify its order, a tribunal of  
3 this state may assume jurisdiction to modify the child support  
4 order and bind all individuals subject to the personal jurisdiction  
5 of the tribunal regardless of whether:

6 (1) consent to modification of a child support order  
7 has been given under Section 159.611; or

8 (2) the individual seeking modification is a resident  
9 of this state or of the foreign country or political subdivision.

10 (b) An order issued under this section is the controlling  
11 order.

12 SECTION 41. Section 159.701, Family Code, is amended to  
13 read as follows:

14 Sec. 159.701. PROCEEDING TO DETERMINE PARENTAGE. ~~[(a)]~~ A  
15 court ~~[tribunal]~~ of this state authorized to determine the  
16 parentage of a child may serve as a [an initiating or] responding  
17 tribunal in a proceeding to determine parentage brought under this  
18 chapter or a law substantially similar to this chapter~~[, the~~  
19 ~~Uniform Reciprocal Enforcement of Support Act, or the Revised~~  
20 ~~Uniform Reciprocal Enforcement of Support Act to determine that the~~  
21 ~~petitioner is a parent of a particular child or to determine that a~~  
22 ~~respondent is a parent of that child]~~.

23 ~~[(b) In a proceeding to determine parentage, a responding~~  
24 ~~tribunal of this state shall apply the procedural and substantive~~  
25 ~~law of this state and the rules of this state on choice of law.]~~

26 SECTION 42. Subsection (b), Section 159.801, Family Code,  
27 is amended to read as follows:

(b) The governor of this state may:

(1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in this state with having failed to provide for the support of an obligee; or

(2) on the demand of ~~by~~ the governor of another state, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for the support of an obligee.

SECTION 43. Subsection (b), Section 159.802, Family Code, is amended to read as follows:

(b) If, under this chapter or a law substantially similar to this chapter, ~~[the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act,]~~ the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

SECTION 44. Section 159.901, Family Code, is amended to read as follows:

Sec. 159.901. UNIFORMITY OF APPLICATION AND CONSTRUCTION.  
In applying and construing this chapter, consideration must be

1 given to the need to promote uniformity of [~~This chapter shall be~~  
2 ~~applied and construed to effectuate its general purpose to make~~  
3 ~~uniform~~] the law with respect to the subject matter of this chapter  
4 among states that enact a law similar to this chapter [~~enacting it~~].

5 SECTION 45. Section 234.007, Family Code, is amended by  
6 adding Subsection (f) to read as follows:

7 (f) The notice under Subsection (b) may be used by the Title  
8 IV-D agency to redirect child support payments from the state  
9 disbursement unit of this state to the state disbursement unit of  
10 another state.

11 SECTION 46. Subsection (f), Section 159.205, Subsection  
12 (b), Section 159.301, and Section 159.902, Family Code, are  
13 repealed.

14 SECTION 47. (a) The changes in law made by this Act to  
15 Section 154.004, Family Code, apply only to a court order or a  
16 portion of a decree that provides for the support of a child that is  
17 rendered on or after the effective date of this Act. An order or  
18 decree rendered before the effective date of this Act is governed by  
19 the law in effect on the date the order or decree was rendered, and  
20 the former law is continued in effect for that purpose.

21 (b) Except as provided by Subsection (a) of this section,  
22 the changes in law made by this Act apply only to an interstate  
23 proceeding to establish, modify, or enforce a support obligation or  
24 to determine parentage began on or after the effective date of this  
25 Act. A proceeding begun before the effective date is governed by  
26 the law in effect on the date the proceeding began, and the former  
27 law is continued in effect for that purpose.



1           SECTION 48.   This Act takes effect September 1, 2003.